

<p>The Texas Department of Agriculture (the department) adopts on an emergency basis amendments to <\*>19.51 which establish three new quarantined areas for a dangerous quarantined disease, date palm lethal decline (DPLD). Each of the three new quarantined areas, located in Houston, Harris County, and in Seabrook, Harris County, Texas, contains a newly detected infestation of DPLD. The department believes that establishment of these emergency quarantine areas on a temporary basis is both necessary and appropriate in order to effectively contain, combat, and eradicate these infestations of DPLD; thereby protecting the palm nursery industry, landscapers, homeowners and others who have Canary Island date palms, <eti>Phoenix canariensis<et>; silver date palms, <eti>Phoenix sylvestris<et>; queen palms, <eti>Syagrus romanzoffiana<et>; cabbage palms or sabal palm, <eti>Sabal palmetto<et>; and date palms, <eti>Phoenix dactylifera<et> in Texas and other states.

<p>These amendments are temporarily adopted on an emergency basis because samples taken from date palms at one location in Houston, Harris County, and at two separate locations in Seabrook, Harris County, Texas, have been diagnosed by the Texas A&M AgriLife Extension Plant Disease Diagnostic Laboratory, College Station, Texas, using polymerase chain reaction (PCR) followed by restriction digest analysis (see K. Ong and S. McBride. Palm diseases caused by phytoplasmas in Texas. National Plant Diagnostic Network online publication [http://www.npdn.org/webfm\\_send/1065](http://www.npdn.org/webfm_send/1065)), to be infected with phytoplasma 16SrIV-D, the causal agent of DPLD.

<p>The emergency amendments to <\*>18.51 establish three new quarantined areas, each with a 2-mile radius and a concentric core area with a 1-mile radius centered around an infected palm tree. The emergency amendments make quarantined articles in the quarantined areas subject to requirements necessary to prevent the artificial spread of the quarantined pest and provide for its

management and eradication, thus protecting the state's important palm tree nursery industry, landscape industry and residential areas. This emergency quarantine will replace the emergency quarantine filed by the department on December 11, 2013, and published in the December 27, 2013, issue of the *Texas Register* (38 TexReg 9423).

The amendments to 19.51 are adopted on an emergency basis under the Texas Agriculture Code (the Code) 71.001, which requires the department to establish quarantine against any dangerous insect pest or plant disease that exists in any area outside the state but that is new to and not widely distributed in this state; 71.002, which provides the department with the authority to quarantine an area if it determines that a dangerous insect pest or plant disease not widely distributed in this state exists within an area of the state; 71.003, which provides the department with the authority to declare an area pest-free and quarantine surrounding areas if it determines that an insect pest or plant disease of general distribution in this state does not exist in an area; 71.004, which authorizes the department to establish emergency quarantines; 71.005, which requires the department to prevent the movement of quarantined articles from a quarantined area into an unquarantined area, except under adequate safeguards; 71.007, which authorizes the department to adopt rules as necessary to protect agricultural and horticultural interests, including rules to provide for a specific treatment of quarantined articles; 12.020, which authorizes the department to assess administrative penalties for violations of Chapter 71; and the Texas Government Code 2001.034, which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

The Code affected by the proposal is the Texas Agriculture Code, Chapter 71.

[<\*>19.51 Quarantined Areas

The quarantined areas are as follows:

- (1) Cameron, Hidalgo, Nueces, and Willacy counties of Texas.
- (2) The area within two miles of palm trees infected with the date palm lethal decline disease located at the following site in Kleberg County of Texas.

(A) Latitude 27.52701 N and longitude 97.88132 W.

<etb>(3) **The area within two miles of the following sites in Harris County, Texas:**

**(A) Latitude 29.5653677 N and longitude 95.01396068 W;**

**(B) Latitude 29.55893576 N and longitude 95.0187833 W; and**

**(C) Latitude 29.75407 N and longitude 095.43647 W.<et>**

[~~(B) Detail~~]<etb>(D) **Further**<et> information on the areas described in [~~subparagraph (A)~~]

<etb>**subparagraphs (A), (B) and (C)**<et> of this paragraph may be obtained from [~~Regulatory~~

~~Programs Division~~]<etb>**Environmental and Biosecurity Programs, Agriculture and**

**Consumer Protection Division**<et>, Texas Department of Agriculture, P.O. Box 12847, Austin,

Texas 78711; and

[~~(3)~~]<etb>(4)<et> The State of Florida.

<p>Filed with the Office of the Secretary of State on March XX, 2014.

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Texas Department of Agriculture\*n